

Environmental Protection Agency

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72 of this chapter, transfers of allowances made pursuant to subparts C and D, and deductions of allowances made for purposes of offsetting emissions pursuant to § 73.35 (b) and (d) and parts 72, 75, and 77 of this chapter will be recorded in the unit's Allowance Tracking System account.

(b) *Nature and function of general accounts.* Transfers of allowances held for any person other than an affected unit, made pursuant to subparts C, D, E, F, and G of this part will be recorded in that person's Allowance Tracking System account established pursuant to § 73.31(c).

[58 FR 3687, Jan. 11, 1993; 58 FR 40747, July 30, 1993]

§ 73.31 Establishment of accounts.

(a) *Existing affected units.* The Administrator will establish an Allowance Tracking System account and allocate allowances for each unit that is, or will become, an existing affected unit pursuant to sections 404(a) or 405 of the Act and § 72.6 of this chapter.

(b) *New units.* Upon receipt of a complete certificate of representation for a new unit pursuant to part 72, subpart B of this chapter, the Administrator will establish an Allowance Tracking System account for the unit.

(c) *General accounts.* (1) Any person may apply to open an Allowance Tracking System account for the purpose of holding and transferring allowances. Such application shall be submitted to the Administrator in a format to be specified by the Administrator by means of the Allowance Account Information Form, or by providing the following information in a similar format:

(i) Name and title of the authorized account representative and alternate authorized account representative (if any) pursuant to § 73.33;

(ii) Mailing address, telephone number and facsimile transmission number (if any) of the authorized account representative and alternate authorized account representative (if any);

(iii) Organization or company name (if applicable) and type of organization (if applicable);

(iv) A list of all persons subject to a binding agreement for the authorized

account representative to represent their ownership interest with respect to the allowances held in the general account and which shall be amended and resubmitted within 30 days following any transaction giving rise to any change of the list of persons subject to the binding agreement;

(v) A certification statement by the authorized account representative and alternate authorized account representative (if any) that reads "I certify that I was selected under the terms of an agreement that is binding on all persons who have an ownership interest with respect to allowances held in the Allowance Tracking System account. I certify that I have all necessary authority to carry out my duties and responsibilities on behalf of the persons with an ownership interest and that they shall be fully bound by my actions, inactions, or submissions under 40 CFR part 73. I shall abide by any fiduciary responsibilities assigned pursuant to the binding agreement. I am authorized to make this submission on behalf of the persons with an ownership interest for whom this submission is made. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the information is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false material information, or omitting material information, including the possibility of fine or imprisonment for violations.";

(vi) The signature of the authorized account representative and the alternate authorized account representative (if any); and

(vii) The date of the signature of the authorized account representative and the alternate authorized account representative (if any).

(2) Upon receipt of such complete application, the Administrator will establish an Allowance Tracking System account for the person or persons identified in the application.

(3) No allowance transfers will be recorded for a general account until the

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Administrator has established the new account.

(d) *Account identification.* The Administrator will assign a unique identifying number to each account established pursuant to this section.

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§ 73.32 Allowance account contents.

Each allowance account will include, at a minimum, the following:

(a) The name, address, telephone number and facsimile transmission number, if any, of the authorized account representative; and

(1) In the case of a unit account, a list of all persons identified as owners of record of the unit in § 72.24(a)(3) of this chapter, or

(2) In the case of a general account, a list of all persons subject to the binding agreement for the authorized account representative to represent their ownership interest with respect to allowances, as identified in accordance with § 73.31(c);

(b) A list of transfers of allowances to, and from, the account, including the identity of the transferor and transferee accounts;

(c) In the case of a unit account for an existing affected unit, beginning in 1995, a compliance subaccount;

(d) In the case of a unit account for a new unit, a compliance subaccount;

(e) In the case of a general account, a current year subaccount;

(f) Future year subaccounts for each of the 30 calendar years following the later of 1995 or the current calendar year;

(g) In the case of a unit account, the current total of sulfur dioxide emissions in tons for the current calendar year as reported to date pursuant to part 75 of this chapter.

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§ 73.33 Authorized account representative.

(a) Following the establishment of an Allowance Tracking System account, all matters pertaining to the account, including, but not limited to, the deduction and transfer of allowances in the account, shall be undertaken only

by the authorized account representative.

(b) *Authorized account representative identification.* The Administrator will assign a unique identifying number to each authorized account representative or alternate authorized account representative identified pursuant to § 73.31(c).

(c) *Notification of parties subject to the binding agreement.* The authorized account representative for a general account shall notify, in writing, all persons who have an ownership interest with respect to the allowances held in the account of any Acid Rain Program submission required by this part or in a procedure under part 78 of this chapter, by the date of submission. Each person who has an ownership interest with respect to the allowances held in the account may expressly waive his or her right to receive such notification.

(d) *General account alternate authorized account representative.* Any application for opening a general account may designate one alternate authorized account representative to act on behalf of the certifying authorized account representative, in the event the authorized account representative is absent or otherwise not available to perform actions and duties under this part. The alternate shall be a natural person and shall be authorized, provided that the conditions and procedures specified in § 73.31(c)(1) are met.

(1) The alternate authorized account representative may be changed at any time by the authorized account representative upon receipt by the Administrator of a new complete application as required in § 73.31(c);

(2) The alternate authorized account representative shall be subject to the provisions of this part applicable to authorized account representatives;

(3) Whenever the term “authorized account representative” is used in this part it shall be construed to include the alternate authorized account representative, unless such a construction would be illogical from the context; and

(4) Any action, representation or failure to act by the alternate authorized account representative when acting in that capacity shall be deemed to be an